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POLICIES OF APARTHEID OF THE GOVERNMENT OF SOUTH AFRICA

United Nations Trust Fund for South Africa

Report of the Secretary-General

1. The United Nations Trust Fund for South Africa, established in pursuance of paragraph 2 of General Assembly resolution 2054 B (XX) of 15 December 1965, is made up of voluntary contributions from States, organizations and individuals, Governments of countries acting as hosts to refugees from South Africa, and other appropriate bodies. It is to be used for the following purposes:

- (a) Legal assistance to persons persecuted under repressive and discriminatory legislation of South Africa;
- (b) Relief of such persons and their dependants;
- (c) Education of such persons and their dependants;
- (d) Relief of refugees from South Africa.

2. In its resolution 45/176 H of 19 December 1990, the General Assembly, reaffirming that continued humanitarian and legal assistance by the international community is necessary to alleviate the plight of those prosecuted under repressive and discriminatory legislation in South Africa and to facilitate the reintegration of released political prisoners, commended the Secretary-General and the Committee of Trustees of the United Nations Trust Fund for South Africa for their persistent efforts to promote humanitarian and legal assistance to persons persecuted under repressive and discriminatory legislation in South Africa, as well as assistance to their families and to refugees from South Africa; expressed its appreciation to the Governments, organizations and individuals that had contributed to the Trust Fund and to the voluntary agencies engaged in rendering humanitarian and legal assistance to the victims of apartheid and racial discrimination in South Africa; and

appealed for generous contributions to the Trust Fund, as well as for direct contributions to the voluntary agencies engaged in rendering assistance to the victims of apartheid and racial discrimination in South Africa.

3. Since the last report of the Secretary-General of 20 September 1990 (A/45/550), the Trust Fund has received contributions from Governments totalling \$3,077,705 as follows:

	(United States dollars)
Australia	49 894
Austria	50 000
Brazil	10 000
Canada	34 598
China	30 000
Finland	501 872
France	123 810
Gabon	5 000
Germany	104 632
Greece	4 500
Indonesia	3 000
Iran (Islamic Republic of)	4 400
Ireland	14 290
Japan	20 000
Kuwait	5 000
Luxembourg	16 254
Malaysia	1 000
Netherlands	145 957
New Zealand	11 894
Norway	645 525
Pakistan	3 000
Philippines	193
Saint Lucia	200
Sweden	796 178
Thailand	1 000
Trinidad and Tobago	2 508
United States of America	491 000
Yugoslavia	2 000
	<u>3 077 705</u>

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4. In addition, the following pledges are outstanding:

(United States dollars)

Barbados	500
Chile	5 000
Denmark	534 351
Egypt	844
France	112 652
Germany	47 000
Iceland	2 029
India	2 000
Iraq	10 000
Japan	20 000
Luxembourg	14 286
Netherlands	130 208
Peru	1 000
Philippines	3 072
Republic of Korea	7 500
Senegal	5 000
Syrian Arab Republic	2 000
Togo	577
Trinidad and Tobago	2 521
Turkey	5 000
United States of America	17 000
Venezuela	<u>2 000</u>
	<u>924 540</u>

5. The total income to the Trust Fund since its inception, including interest, is \$43,614,247 and the total amount of grants is \$43,383,541, including those approved on 20 September 1991.

6. In accordance with the decisions of the Committee of Trustees, grants totalling \$2,575,000 have been made from the Trust Fund during the period under review. Furthermore, on 20 September 1991 the Committee of Trustees extended two grants totalling \$1,200,000.

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7. The Secretary-General has the honour to transmit the report of the Committee of Trustees of the United Nations Trust Fund for South Africa on its work since the date of the last report (see annex).

ANNEX

Report of the Committee of Trustees of the United Nations
Trust Fund for South Africa

1. The Committee of Trustees of the United Nations Trust Fund for South Africa is composed of the following members:

Mr. Jan K. Eliasson (Sweden), Chairman

Professor Ibrahim Gambari (Nigeria), Vice-Chairman

Mr. Juan D. Somavia (Chile)

Mr. Ali Skalli (Morocco) a/

Mr. Jamsheed K. A. Marker (Pakistan)

2. Since the date of the last report (A/45/550), the Committee of Trustees decided on seven grants from the Trust Fund during the reporting period and on two additional grants on 20 September 1991, for purposes within its terms of reference as laid down in General Assembly resolutions 2397 (XXIII) of 2 December 1968 and 2671 (XXV) of 8 December 1970, as follows:

<u>Grant number</u>	<u>Date of decision</u>	<u>Amount</u> <u>(United States</u> <u>dollars)</u>	<u>Purpose b/</u>
175	24 January 1991	500 000	(a) to (d)
176	24 January 1991	125 000	(a)
177	3 June 1991	400 000	(d)
178	3 June 1991	100 000	(a) to (d)
179	3 June 1991	150 000	(a) and (b)
180	3 June 1991	900 000	(a), (b) and (c)
181	3 June 1991	400 000	(a)
182	20 September 1991	1 000 000	(a)
183	20 September 1991	200 000	(a)

3. In 1990, the Committee continued to encourage direct contributions to voluntary organizations engaged in providing assistance to the victims of apartheid and racial discrimination in South Africa. It was informed that direct contributions were made to the International Defence and Aid Fund for Southern Africa by Canada, Czechoslovakia, Denmark, the European Community, Finland, India, Ireland, the Netherlands, Norway, Spain and Sweden.

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4. During the period under review several developments in South Africa have enhanced the prospects for a negotiated settlement to the conflict in South Africa. In this connection, the Committee particularly welcomed the repeal of the legislative "pillars of apartheid", the Group Areas Act, the Land Acts, the revision of the Population Registration Act as well as the lifting in October 1990 of the state of emergency in Natal, the only province where it had remained in effect.

5. On 4 September 1991, the South African authorities and the United Nations High Commissioner for Refugees (UNHCR) signed an agreement on the voluntary repatriation of an estimated 40,000 political exiles and refugees. Under the terms of the agreement, which included an amnesty for all political offences excluding serious common law crimes, almost all South African exiles and refugees can return home without threat of arrest, political trials and imprisonment. UNHCR will play a pivotal role in the voluntary repatriation process. Prior to the conclusion of the agreement only about 3,000 exiles had been able to return home, some of whom had been subjected to harassment and detention by the security forces. The attainment of this landmark agreement is an important step towards fostering a climate conducive to negotiations.

6. The Committee welcomed the impetus given to free political activity by the Government's announcement in March 1991 of the non-renewal of the ban on unauthorized public meetings, which had been initially introduced in 1976. However, permission still has to be obtained to hold marches.

7. In March 1991, the moratorium on death sentences, which had been announced by President de Klerk on 2 February 1990, expired. While no executions have taken place since November 1989 outside the homelands, death sentences continue to be handed down and in August 1991 there were 19 persons on death row charged and convicted with politically motivated offences.

8. The Internal Security Act of 1982, which allowed indefinite incommunicado detention, was amended in June 1991. While not fully voided of its repressive content, several stringent provisions of the Act were relaxed. The initial period of detention without trial was reduced to a 10-day period. Detainees are also granted access to their family, lawyers and a doctor of their choice. Provisions relating to house arrest and banning of individuals, restrictions on the activities of organizations, the registration of newspapers and prohibitions on political publications and writings were also repealed.

9. During the period under review the initial slow rate of release of political prisoners, due to differences in interpretation and delays in the implementation of agreements arrived at by the Government and the African National Congress of South Africa (ANC) and known as the Groote Schuur Minute (2-4 May 1990) and Pretoria Minute (6 August 1990), was a major stumbling-block to the progress of dialogue and negotiations. According to human rights monitoring organizations, an estimated 1,000 political prisoners have been released since 2 February 1990, with close to 900 other political prisoners currently reported to be incarcerated (see A/45/1052).

10. The Committee noted with concern that, while a large number of political prisoners had been released, many political trials are still in progress and political imprisonment continues. In July 1991, 159 political trials were in progress, involving 1,085 accused. From June 1990 to June 1991, over 900 trials involving 5,010 accused were completed. Of those accused 673 were convicted, 74 of whom received prison sentences. Charges against 3,330 persons were withdrawn before the trial began.

11. The Committee also expressed concern that public funds had been covertly used, resulting in increased factional strife and that a number of repressive laws are still in force, which curtail normal political activities as well as the freedom of expression and assembly.

12. During the period under review a wave of violence erupted throughout the country. Violence within black communities alone caused more than 1,200 deaths between August 1990 and the end of March 1991. The violence that erupted in the townships of Thokosa and Soweto on 8 September 1991 leaving 42 people dead and 50 wounded is the worst in the Johannesburg area in three months of relative peace. This recurring violence has exacerbated tensions, induced further distrust in the country and led to a stalling of the process towards negotiations.

13. However, on 14 September 1991 a "National Peace Accord" was signed by the ANC, the Inkatha Freedom Party, the Government and a number of organizations including political parties, trade unions, religious and civic organizations. The Committee welcomes this agreement as a significant step towards the improvement of the climate for negotiations. This wide-ranging agreement includes a code of conduct for political parties; another such code for security forces; guidelines for the "reconstruction and development" of communities; and general principles for the pursuit of a multi-party democracy. The agreement provides also for a National Peace Committee, a National Peace Secretariat, local and regional dispute resolution committees as well as an arbitration procedure. Other political parties, trade unions, business, religious and civic organizations as well as representatives of the "self-governing" homelands have been invited to enter into the agreement.

14. The Committee is encouraged that, in response to the changing situation in South Africa, the International Defence and Aid Fund for Southern Africa (IDAF) has transferred its programmes to organizations based inside the country on 30 June 1991. IDAF made the decision to close down not because the work had disappeared but because it was now deemed possible and more appropriate to have the work done by the people in South Africa who are more attuned to local conditions and needs.

15. IDAF, with which the Committee has maintained close cooperation throughout the years, has played a critical role in providing legal assistance to those charged for their opposition to apartheid and relief for their dependants. It also contributed in no small measure to keeping the conscience of the world alive on apartheid-related issues. Its legal work will henceforth be carried out in South Africa principally through the South

African Legal Defence Fund (SALDEF). Its welfare work is expected to be taken up by the Association of Ex-Political Prisoners, the Dependants Conference of the South African Council of Churches, Cowley House and other humanitarian organizations.

16. SALDEF will provide financial assistance to lawyers who defend those accused with actions alleging active opposition to apartheid and racism. It will also support legal actions aimed at undoing the consequences of apartheid and building a just and democratic society.

17. SALDEF will also have an educational function. It will promote clauses in the proposed Bill of Rights and educate the broader South African public about their rights. It will also press for an adequate public defender system for South Africa, joining with other groups which are calling for the basic right for all to be defended in court.

18. On 28 February 1991 in New York, the Committee of Trustees held a meeting of consultations with prominent lawyers, representatives of national human rights and lawyers' associations from South Africa to discuss current and future activities of the Trust Fund. There was broad agreement that the Trust Fund should pursue its work as long as apartheid existed by both continuing to follow its traditional agenda and by progressively extending its activities to new areas.

19. Following this meeting of consultations, the Committee of Trustees held a formal meeting on 7 March 1991 at which it was agreed that:

(a) The existing mandate of the Trust Fund remains very much relevant to the evolving political situation in South Africa, as political trials continue, the Internal Security Act and other repressive legislation are still in effect, as all political prisoners have not yet been released and the violence has not been fully contained. Continuing and substantial legal, humanitarian and educational assistance is, therefore, required to address the ongoing needs;

(b) There is a great need for legal, humanitarian and educational assistance to former political prisoners and to political prisoners to be released, as well as to returning exiles, in order to facilitate their reintegration into South African society, as called for in General Assembly resolutions 44/244 of 17 September 1990 and 45/176 A and H. There will also be an urgent need for relief assistance upon the release of these political prisoners;

(c) There might be an increasing need for legal assistance to address the legitimate grievances resulting from the formal dismantling of apartheid structures.

20. While statutory apartheid was being removed, the Committee feels that legal actions aimed at undoing the consequences of apartheid had to be supported so as to address the legitimate grievances of victims of apartheid.

This approach is all the more significant as it will help instil greater public confidence in the rule of law and the democratic process itself.

21. The Committee of Trustees wishes to express its appreciation and gratitude to the Secretary-General for his encouragement and assistance, as well as to the United Nations High Commissioner for Refugees and to voluntary organizations concerned for their continuing cooperation.

Notes

a/ As from 29 December 1990, Mr. Aziz Hasbi was replaced by Mr. Ali Skalli.

b/ As given in paragraph 1 of the present report.
